



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: KOCH, Earl D. Art Group: 3671
Serial No.: 09/553,492 Examiner: K. Markovich
Filing Date: April 19, 2000 Atty Docket: 27136-01
For: TEMPORARY RAMP

AFFIDAVIT OF RONALD L. ROWELL

I, Ronald L. Rowell, pursuant to 37 C.F.R. § 1.132, do state and declare as follows based upon my personal knowledge and/or belief:

1. I am the Vice President and Peoria area manager for R. A. Cullinan & Son, Inc. (hereinafter "Cullinan"), one of the largest asphalt and concrete paving firms in the Midwest, which recently merged with Illinois Valley Paving, Inc. to form United Contractors Midwest (UCM).
2. The bulk of my 31 years of construction experience has been focused upon the asphalt paving industry.
3. Neither I nor Cullinan/UCM have a financial interest in the above identified pending patent application of Mr. Koch.
4. Neither I nor Cullinan/UCM have a financial interest in E Z Road, Inc.
5. Since June, 2001, Cullinan/UCM has purchased 115 butt-joint ramp segments and 8 manhole ramps segments from E Z Road, Inc.
6. The ramp segments purchased from E Z Road, Inc. include a substantially horizontal lower surface adapted for contacting the roadway surface during use, an upper surface having a slope of 1:20 which contacts the vehicle wheels during use, and side edges having

RECEIVED
AUG 22 2002
GROUP 3600

complementary coupling formations adapted for removably interlocking with opposing side edges of adjacent ramp segments.

7. The ramp segments are made of a rubber material and each segment is small enough such that it will fit in the back of a conventional pickup truck bed and is light enough to be easily handled by a single laborer during installation and removal.

8. Prior to purchasing the above-described E Z Road temporary ramps, it was the practice of Cullinan/UCM to use hot-mix or cold-mix asphalt pavement to create temporary ramps at pavement drop-offs and around other obstructions such as manholes during road construction and repair projects. These asphalt pavement ramps would then have to be broken up and removed from the roadway prior to the final paving operation.

9. The above-identified temporary ramps manufactured by E Z Road, Inc. are a simple, efficient solution to a common, even widespread problem of providing ramps for temporary differentials in pavement elevations during pavement operations. The following features are some of the ways in which E Z Road, Inc.'s temporary ramps are better than the "old" method of providing asphalt pavement ramps:

- A. Cost effective – The E Z Road temporary ramps are cheaper to install and remove since it takes only one laborer minutes to install and remove, whereas the use of asphalt pavement ramps requires multiple laborers and equipment to install and remove;
- B. Safer – With the E Z Road temporary ramps, workers are exposed to traffic for minutes rather than hours during the installation and removal of the temporary ramps;
- C. Environmentally friendly – The E Z Road temporary ramps are reusable as opposed to hot mix asphalt ramps that require new material each time;
- D. Less traffic delay – Due to the decreased initial installation and removal time, the traffic disruption is minimized;
- E. Simplicity – anyone can install and remove the E Z Road temporary ramps, therefore contractors do not have to employ trained and experienced workers at higher wages to place and remove the temporary ramps or employ the necessary equipment otherwise required for placing and removing hot mix asphalt ramps.

10. I am aware of the single-piece temporary manhole type ramps manufactured and sold by Work Area Protection Corporation (WAPC).

11. To my knowledge and belief, with over 31 years of experience in this industry, neither WAPC nor any other manufacturer, has ever offered a manhole ramp or butt-joint ramp comprised of segmented interlocking ramp segments for use during road repair or construction.

Furthermore, I am not aware of any contractor that has ever used a segmented manhole ramp or segmented butt-joint ramp prior to the introduction of such ramps by E Z Road, Inc.

12. Based on my information and belief, the E Z Road temporary manhole-type ramps offer significant advantages not available with the single-piece, WAPC manhole ramps. Specifically:

- A. As identified in the attached Exhibit A, the single-piece, WAPC manhole ramps are relatively heavy, weighing approximately 70 pounds. Due to this weight, the 48 inch diameter single-piece ramps would be too cumbersome for a single workman to easily handle. Thus, the installation and removal of WAPC ramps would likely have to be performed by at least two workman. The segmented E Z Road ramps, on the other hand, are easily handled by a single workman, thereby saving significant labor costs and minimizing the number of persons exposed to vehicle traffic;
- B. Based on the measurements provided in WAPC's product literature of Exhibit A, the WAPC manhole ramp has a slope between 1:5 and 1:6. Ramps with such a steep slope may not be used on many road construction projects subject to higher speed vehicle traffic which typically require ramp slopes no greater than 1:20.
- C. If the WAPC ramps were available with ramp slopes of 1:20 (which, to my knowledge they are not), the single-piece construction of the WAPC ramps would have to be nearly 106 inches (8'-10") in diameter. Such a large diameter single-piece ramp would require multiple laborers and lifting equipment to install and remove. Furthermore, such a large diameter ramp would be difficult to transport in a conventional pick-up truck.

13. With my 30 years of experience, I would consider myself as having at least the equivalent experience, training and knowledge in the industry as a person that would be considered to be "a person of ordinary skill" in the road repair and construction field.

14. Accordingly, as a person of ordinary skill in this field, I believe that the segmented temporary manhole ramps and butt-joint ramps manufactured and sold by E Z Road, Inc. as identified above are a significant improvement over the conventional asphalt pavement ramps and a significant improvement over the single-piece WAPC manhole ramps.

15. Based upon my personal knowledge and belief, the segmented temporary ramps manufactured by E Z Road, Inc. as identified above fulfill a long-felt but unresolved need in the road construction industry which is not satisfied by the single-piece WAPC manhole ramps or any other devices or methods used in the industry, namely, to provide a temporary ramp for use during road construction and repair operations that: (1) can be quickly and easily installed and removed by a single laborer without the need for equipment to install and remove the ramp, and (2) can be easily transported in segments for reuse on another job site in a conventional pickup truck bed.

16. Based upon my personal knowledge and belief, the cost savings that Cullinan/UCM achieves using the segmented butt-joint ramps and segmented manhole ramps purchased from E Z Road, Inc. provides us with a competitive advantage over other road repair and construction companies that use conventional asphalt pavement ramps or the single-piece WAPC manhole ramps.

17. It is my belief that the E Z Road ramps identified above will surely become the standard in the industry as soon as people in the industry begin to see and use them.

Date: 7/31/02

Ronald L. Rowell
Ronald L. Rowell,
Vice President and Peoria Area Manager
R.A. Cullinan & Son, Inc.

STATE OF Illinois)
COUNTY OF Tangueville)

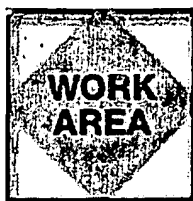
ss.:

Subscribed and sworn to me on this 31 st day of July, 2002 by
Ronald L. Rowell, who acknowledged to me that he is the Vice President and
Peoria Area Manager of R. A. Cullinan & Son, Inc.

Stephanie Benson
Notary Public

782821.1

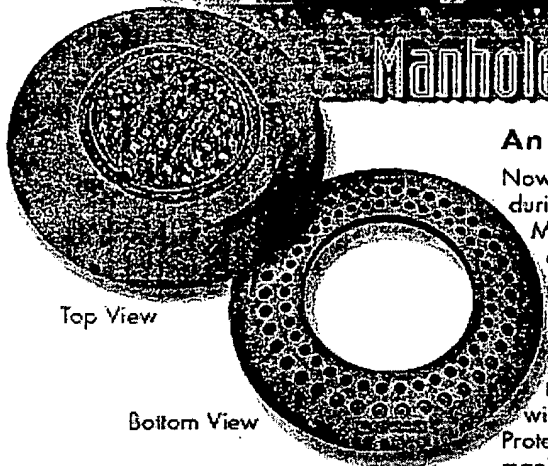




WORK AREA PROTECTION CORPORATION

**Tough enough
for any work area**

Manhole Riser Protection Ring



Top View

Bottom View

An easier alternative to cold patching

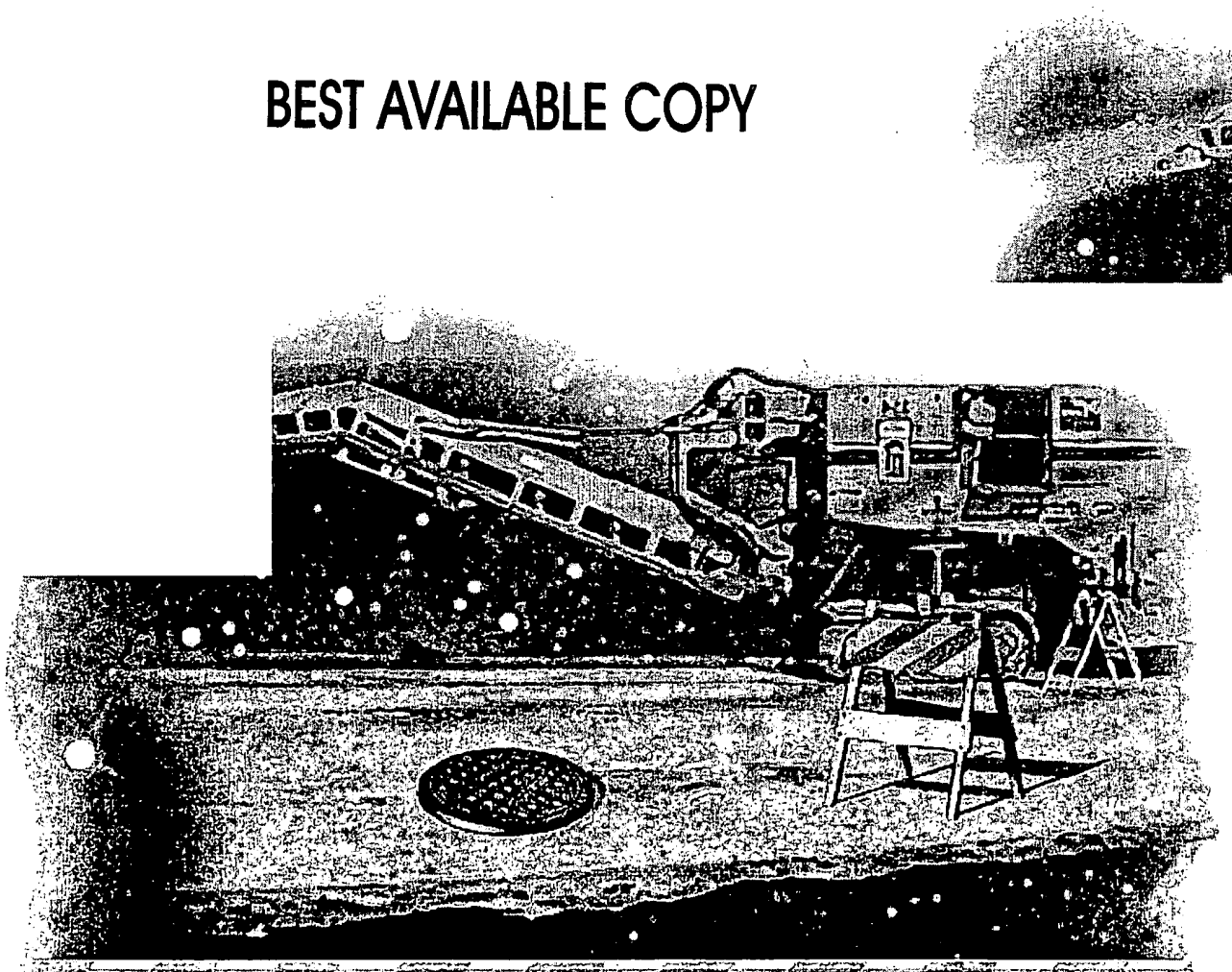
Now you can smooth over those exposed manhole risers during road construction projects in a matter of seconds.

Made of tough, durable rubber, these Protector Rings fit securely around manhole risers. They won't shift or slip. Just drop them into place and remove them simply by picking them up.

You'll save money too, because these Protector Rings can be used again and again. They can easily be stacked to save space. Their subtle gradient design enables motorists to drive over exposed manhole risers smoothly and safely without damaging their tires or vehicles. What's more, these Protector Rings come in different sizes to accommodate manhole risers of different diameters.

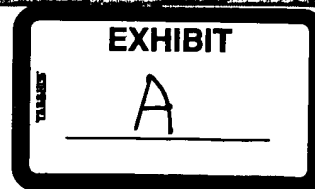
Below illustrates the simple use of this revolutionary time/ money saving product.

BEST AVAILABLE COPY



• eliminates need for cold patching

• reusable

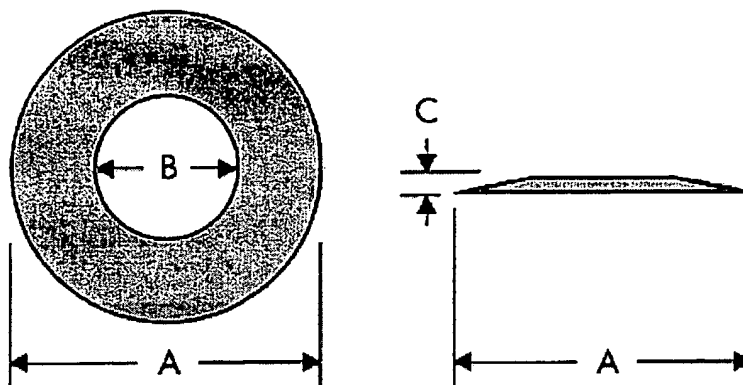


7/22/02

- fast, simple installation
- snug fit
- provides smooth riding
- stackable for storage
- made of durable 100% recyclable rubber
- available in different sizes

SPECIFICATIONS:

Model Number	Outer Diameter	Inside Clearance	Thickness	Weight
	A	B	C	
MPR 26	48"	26"	2"	68 lbs
MPR 10	29"	10"	2"	29 lbs



Material: 100% recycled rubber
 Density: 0.6 oz/cu in. ASTM C642
 Fabrication: compression molded deposit
 Durometer hardness: 66A ASTM D2240
 Tensile strength: 300 psi ASTM D412
 Elongation: 90% ASTM D412
 Brittleness: 40°F ASTM D746
 Coefficient of thermal expansion: 8 x10.5 in/in/F ASTM C531

Savings per unit installation

METHOD	Cost per Manhole Avg. Price per Contractors
Manhole Protector Ring (Price includes labor and cost of MPR using a life cycle of 50 times used)	\$ 5.75
Take out riser and plate it	\$500.00
Leave existing apron	\$200.00
Cold Patch or Hot Mix	\$200.00
Use Grindings (Equipment and Labor, excludes liability)	\$ 30.00
Use Barricade (Barricade Life at 10 times, excludes liability)	\$ 5.45

The MUTCD requires that a manhole exposed during a milling operation be protected by a slope of asphalt if the manhole is exposed over .5".

Reusable Manhole Protector Ring is recommended to give protection to manholes exposed up to 2.5" high.

Part # - MPR26 - 26" hole diameter, 2" high and weighs 68 LB.
--

Part # - MPR10 - 10" hole diameter, 2" high and weighs 29 LB.
--

Exclusively manufactured under Patent #5,308,188

[Download Specifications Flyer PDF. Click Here!](#)

If you have a problem downloading this file:
Hold down the Shift key (Windows and UNIX) or
the Option key (MacOS) when clicking the link above.

You need Acrobat Reader (FREE) to view PDFs



See your Work Area Sales Representative for available sizes and pricing.

[This site is best viewed with Internet Explorer 4.0 and higher at 1024x768]
Forward comments to [here](#).

BEST AVAILABLE COPY

Manhole Protector Ring

Cost effective

Eliminates need
for cold
patching

Fast, simple
installation

Grip tight design

Provides for
smooth riding

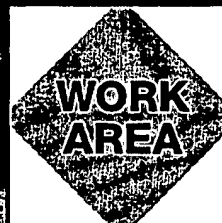
Reusable

Stackable
for storage

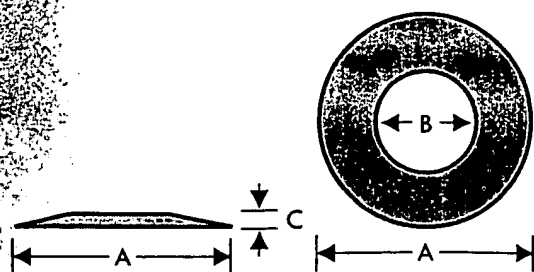
Made of durable
100% recyclable
rubber

Available in
various sizes

Tough enough
for any work area



Manhole Protector Ring Specifications



Model Number	Outer Diameter	Inside Clearance	Thickness	Weight lbs.
	A	B	C	
MPR 26	48"	26"	2"	68
MPR 10	29"	10"	2"	29

An easier alternative to cold patching

Material:	100% recycled rubber	Tensile strength:	300psi ASTM D412
Fabrication:	compression molded composite	Elongation:	90% ASTM D412
Density:	0.6 oz/cu in. ASTM C642	Brittleness:	-40°F ASTM D746
Durometer hardness:	65A ASTM D2240	Coefficient of thermal expansion:	8x10 ⁻⁵ ASTM C531

Now you can smooth over those exposed manhole risers during road construction projects in a matter of seconds. Made of tough, durable rubber, these Protector Rings fit securely around manhole risers. They won't shift or slip. Just drop them into place and remove them simply by picking them up. You'll save money too, because these Protector Rings can be used again and again. They can easily be stacked to save space. Their subtle gradient design enables motorists to drive over exposed manhole risers smoothly and safely without damaging their tires or vehicles. What's more, these Protector Rings come in various sizes to accommodate manhole risers of different diameters.

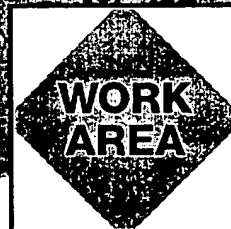
Grip tight design ensures Manhole Protector Rings won't shift or slip.

WORK AREA PROTECTION CORPORATION

www.workareaprotection.com e-mail: workarea@workareaprotection.com

A Division of Stabler Companies, Inc.
2500 Production Drive P.O. Box 4087
St. Charles, IL 60174-9081

630-377-9100
Fax: 630-377-9270
Ordering: 800-327-4417



BEST AVAILABLE COPY